

## **EXHIBIT B**

1  
2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK

ORIGINAL

4 SHERMAN GOTTlieb,

5 Plaintiff,

04-CV-4202

6 -against-

(ILG) (VVP)

7 CARNIVAL CORPORATION,

8 Defendant.

9  
10

April 24, 2007

10:10 a.m.

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30(b)(6) deposition of FREDERICK STEIN, taken  
by Plaintiff, pursuant to Notice, at the offices of  
Edwards Angell Palmer & Dodge, LLP, 750 Lexington  
Avenue, New York, New York, before Nancy R.  
Sullivan, a Shorthand Reporter and Notary Public.

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A p p e a r a n c e s :

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BY: JOSEPH J. SALTARELLI, ESQ.

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1 Stein

2 Q. And is the outside sales rep an  
3 employee of Carnival?

4 A. Yes.

5 Q. And how long did you hold the  
6 position as inside sales rep?

7 A. About a year and a half.

8 Q. And so at some point in time in  
9 1994, you changed positions?

10 A. That's correct.

11 Q. And do you recall what position you  
12 changed to?

13 A. I initially changed to our info  
14 systems department. I honestly don't recall the  
15 exact title, but I was essentially working to  
16 resolve cases that you would call the help desk  
17 for with computer problems. And stayed there  
18 for about six months.

19 Q. And at some point in 2004, you  
20 changed your position at Carnival?

21 A. Right.

22 Q. And what position did you attain  
23 then?

24 A. It was called marketing coordinator  
25 and it was --

1 Stein

2 MR. SALTARELLI: I'm sorry, did you  
3 say 2004 or 1994.

4 MR. CIZMARIK: I said 2004, which  
5 is wrong.

6 A. Yes, I heard 1994 in my head.

7 Q. So why don't we clean up this  
8 record that I muddled.

9 At some point in time in 1994 then,  
10 you left the info systems department and you  
11 joined the marketing department?

12 A. Correct.

13 Q. What position did you have in the  
14 marketing department?

15 A. Marketing coordinator.

16 Q. What were your responsibilities  
17 there?

18 A. I would be responsible for running  
19 reports of travel agent production, for making  
20 adjustments to travel agent commission levels,  
21 that's the basics.

22 Q. How long did you hold the position  
23 of marketing coordinator?

24 A. I don't remember the exact timing  
25 because I never actually changed positions.

1 Stein

2 What happened is my role grew and I was given  
3 additional responsibilities over time and was  
4 then promoted to partnership marketing  
5 supervisor, continuing to do the same duties  
6 that I was doing but just adding on some  
7 additional responsibilities.

8 Q. What were the additional  
9 responsibilities that were added on?

10 A. Instead of just following  
11 instructions to move a travel agent's commission  
12 from X to Y based on what my supervisor might  
13 have said, I was given the latitude to make  
14 those judgments on my own and to update their  
15 commissions.

16 Q. And how long did you hold the  
17 position as partnership marketing supervisor?

18 A. I want to say it was about two  
19 years, and then I was promoted to manager.

20 Q. What year were you promoted to  
21 manager?

22 A. I don't recall exactly.

23 Q. What department were you promoted  
24 to manager in?

25 A. I have been in the same department

1 Stein

2 the whole time.

3 Q. Marketing department?

4 A. Right.

5 Q. How, if any, did your duties change  
6 when you became manager?

7 A. My boss had taken on the overall  
8 responsibility for managing the commission  
9 levels of more agents than she had been  
10 previously and delegated that responsibility to  
11 me. I would have a section of agents that we  
12 call superagents that are our top agents, and we  
13 took on the role of negotiating their  
14 agreements, and I was delegated most of the  
15 responsibility.

16 Q. How long did you hold the position  
17 as manager?

18 A. That was approximately two years,  
19 and I was promoted to director again, staying  
20 within the same department.

21 Q. Do you recall when you were  
22 promoted to director?

23 A. I don't recall exactly, but it was  
24 in the neighborhood of five to six years ago.

25 Q. Is that the position you currently

1 Stein

2 hold?

3 A. Yes.

4 Q. I understood based on interrogatory  
5 responses that you are the director in the  
6 department of agency compensation?

7 A. Right.

8 Q. Is the department of agency  
9 compensation a subgroup within the department of  
10 marketing?

11 A. Yes, it is.

12 Q. What are your duties as director of  
13 department of agency compensation?

14 A. Oversee the commission levels of  
15 all of our domestic and -- well, North American  
16 travel agents, U.S. and Canada and negotiate  
17 their commission agreements.

18 My group is also responsible for  
19 reimbursing cooperative advertising expenses  
20 where we jointly do marketing with travel  
21 agents. We are also responsible for maintaining  
22 the travel agent database which stores the  
23 travel agent's profile information, name,  
24 address, phone, fax number, et cetera, et  
25 cetera.



1 Stein

2 We also track and report on the  
3 performance of our travel agents in terms of  
4 number of passengers or guests traveled. We  
5 track the performance of Carnival's field sales  
6 force and also establish their goals and monitor  
7 their achievement of their goals and process  
8 their incentives.

9 Q. Does that about cover your  
10 responsibilities at present?

11 A. Yes.

12 Q. What is the role of the department  
13 of business development services?

14 A. That is the new name for my  
15 original department which was called inside  
16 sales, and they worked with generally two or  
17 three of our business development managers,  
18 which are the name we give to our field sales  
19 force, and they, in tandem with their partner,  
20 call over the phone on the travel agents within  
21 their respective territories. They also answer  
22 incoming calls from travel agents and generally  
23 work with the BDM to develop and encourage  
24 additional sales from the travel agents.

25 Q. Is that a group within the

1 Stein

2 A. Yes, I do.

3 Q. Do you recall having seen it prior  
4 to signing it?

5 A. Yes, I do.

6 Q. And to the best of your knowledge,  
7 is there anything in this document which was  
8 accurate when you signed it which is no longer  
9 accurate?

10 A. Not to my knowledge.

11 Q. Take a look at interrogatory  
12 response No. 9, which is on page 7 of Exhibit 5.

13 You had earlier testified that you  
14 stored various information about agency  
15 profiles. Do you recall that testimony?

16 A. Yes.

17 Q. Is the Outlook program that is  
18 referred to in response No. 9 a vehicle by which  
19 Carnival stores information concerning agent's  
20 profiles?

21 A. Yes -- well, in addition, we also  
22 store the agency history which shows all the  
23 changes that had been made to the agency profile  
24 in the mainframe. The Outlook program is where  
25 we store the requests that we receive from the

1 Stein

2 agent asking us to make those changes.

3 Q. But at some point in time, the  
4 information from the Outlook program gets  
5 downloaded into the mainframe?

6 A. It is keyed in manually.

7 Q. How often is that done, the keying  
8 in, is it done on a daily basis?

9 A. Yes.

10 Q. Does everybody in the agency  
11 profile desk have access to the Outlook program?

12 A. Yes.

13 Q. How many people are in the agency  
14 profile desk group?

15 A. There are two people that is their  
16 primary function. There is the manager of  
17 agency compensation who also has access and  
18 ability to make changes.

19 Q. Who is the manager?

20 A. That's Angela Morales.

21 Q. Who is the other individual? You  
22 said there were two people?

23 A. Right, there is two people whose  
24 main task is to make the update, there is  
25 Bridget Warren and Dunia Gomez, recently

1 Stein  
2 married, so if that name was given before, it  
3 might be listed as Dunia Castro. The other  
4 person is Bridgett Warren.

5 Q. Am I correct that Carnival  
6 conducted a search for written communications  
7 from Sherman Gottlieb regarding his request to  
8 cease faxing, and you did not locate any  
9 documents?

10 A. That is correct.

11 Q. Carnival is also not able to locate  
12 any internal records regarding any oral  
13 communications from Sherman Gottlieb regarding  
14 his request to cease faxing?

15 A. That is also correct.

16 Q. Can you tell me in general terms  
17 what Carnival did to search for any evidence of  
18 written or oral requests from Sherman Gottlieb  
19 to stop faxing?

20 A. We searched through our Outlook  
21 program for any written requests that had been  
22 received. Oral requests, had they been  
23 received, would have been acted upon and entered  
24 into the agency profile.

25 Q. So you checked the Outlook program,

1 Stein  
2 and you also check the mainframe?

3 A. Correct.

4 Q. Any other places that would have  
5 been obvious places to look or are those the two  
6 main places?

7 A. Those are the two main places. We  
8 obviously also conferred with each of our  
9 members of the team to make sure that they did  
10 not have any recollection of any requests from  
11 Mr. Gottlieb.

12 Q. When you say members of the team,  
13 who are you referring to?

14 A. The agency profile desk.

15 Q. And the two people that are at the  
16 agency profile desk are the manager of the  
17 agency profile desk -- have they been  
18 continuously employed by Carnival in that  
19 position since March of 2001?

20 A. The manager has. The other two  
21 individuals have not.

22 Q. And were there other individuals in  
23 that department from actually March of 1999 to  
24 the present who are no longer in that department  
25 now?

1 Stein

2 A. Yes.

3 Q. And are they still employed by  
4 Carnival?

5 A. No, they are not.

6 Q. Do you recall their names?

7 A. I do.

8 Q. And they are?

9 A. Diego Ramirez, Anita Abuathareh and  
10 one more name, Thea Glinton.

11 Q. What's the last name?

12 A. G-l-i-n-t-o-n.

13 Q. When did Diego leave the employment  
14 of Carnival?

15 A. I don't recall the specific date.  
16 I actually made a note of that in case you asked  
17 it, which I can help you if you like.

18 Q. We will leave a blank spot in the  
19 record and when the witness has a chance to  
20 review the transcript, he can fill it in.

21 A. \_\_\_\_\_

22 Q. Do you recall when Anita left the  
23 employment of Carnival?

24 A. I think the same. I do not recall  
25 the exact date.

1 Stein

2 fax number at the time the profile was created.

3 Q. And again, you don't have any  
4 written record indicating that Mr. Gottlieb  
5 supplied a fax number in March 1999?

6 MR. SALTARELLI: Objection to the  
7 form.

8 A. We don't have a written record, but  
9 he gave it to us. We wouldn't have just pulled  
10 it out of the air. It was entered into this  
11 profile at the exact same instant that the rest  
12 of his profile was created, so he had to have  
13 given it to the reservation agent. Had it been  
14 added at a later date, there would be a history  
15 entry saying that the fax number was changed  
16 from nothing to that.

17 (Whereupon, document Bates stamped  
18 CARN 0032 marked Plaintiff's Exhibit 9 for  
19 identification, as of this date.)

20 MR. CIZMARIK: I am handing the  
21 witness what was marked as Plaintiff's  
22 Exhibit 9, which is a one-page document  
23 dated May 27, 2001 bearing the Bates  
24 number CARN 0032.

25 Q. Now, taking a look at page 32, is

1 Stein  
2 this the type of form that would have been sent  
3 to a travel agent upon inception of -- strike  
4 that.

5 At the time that a travel agent  
6 notifies Carnival that it wants to start selling  
7 some Carnival Cruises, Carnival would send a  
8 form like Exhibit 9 to the agent to capture some  
9 information about the agent, correct?

10 A. Yes.

11 Q. This was the form that was in  
12 place roughly in May of 2001?

13 A. Correct.

14 Q. Do you have any knowledge as to  
15 whether this version of the form was in effect  
16 in March of 1999 when Mr. Gottlieb started or  
17 indicated to Carnival that it wanted to -- that  
18 he wanted to sell some cruises?

19 A. We were unable to locate one of  
20 that 1999 year, but from my recollection of  
21 looking at the forms, this is substantially  
22 similar to what was around in 1999.

23 Q. Based on your review of the records  
24 in connection with this case, as well as any  
25 personal knowledge you may have, how many



1 Stein

2 Q. In connection with today's  
3 deposition, other than any meeting you may have  
4 had with Mr. Saltarelli or any of his  
5 colleagues, did you have any meetings or  
6 preparation sessions with anybody at Carnival?

7 A. We discussed the case, but we did  
8 not have a preparation session.

9 Q. I take it that in advance of  
10 today's deposition, you looked through the  
11 various topics listed in the 30(b)(6)  
12 depositions, which is your notice, which is  
13 Exhibit 5, to familiarize yourself about the  
14 topics which I might be asking you about?

15 A. Yes.

16 Q. Did you feel comfortable coming in  
17 here today and testifying about all these  
18 various topics about having to consult with any  
19 other employee of Carnival in order to obtain  
20 more familiarity about those topics?

21 A. I am knowledgeable about most of  
22 the topics. There may have been a couple where  
23 I needed to review data from the information  
24 systems department to make certain I had the  
25 full understanding.